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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,449	10/11/2000	Jeff Chin	F0002-010002	5968
8791	7590	01/04/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			JEANTY, ROMAIN	
		ART UNIT	PAPER NUMBER	
		3623		

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/685,449	CHIN ET AL.
Examiner	Art Unit	
Romain Jeanty	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 September 2004.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17,29-33 and 35-47 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17,29-33 and 35-47 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This Final Office Action is in response to the Amendment filed on September 30, 2004.

### **Response to Amendment**

2. In the Amendment filed on September 30, 2004, claims 1, 4-11, 17, 30, and 37 have been amended. Claims 18-28, 34, and 48 have been canceled. No new claims have been added. Claims 1-17, 29-33, and 35-47 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17, 29-33, 35-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al (U.S. Patent No. 6,415,270) in view of Fisher et al (U.S. Patent No. 6,243,691) and further in view of Walker et al (U.S. Patent No. 6,052,667).

As per claims 1-7, 9-10, 13-15, 17, 29, 33, 35-37, 40-47, Rackson et al disclose a networked sales system for:

presenting via a first network item information associated with an item on a sales screen to a user (col. 6 line 63 through col. 7 line 14), communicating a variable price schedule for the item to the user (communicating the reverse price to the user (col. 8, lines 29-37);

Rackson et al disclose the limitations above but do not explicitly disclose receiving a reminder command associated with an entry in the schedule from the user, the reminder command including a price selection for the item, and notifying the user when the entry in the schedule is reached. Fisher et al in the same field of endeavor, disclose a method for conducting an interactive auction comprising the steps of receiving a bid selection from a user and notify the user when the bid is satisfied (col. 6, lines 37 through col. 8 line 66). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Rackson et al to incorporate a notification system as evidenced by Fisher et al in order to allow a group of users to place their bids.

The combination of Rackson and Fisher discloses all of the limitations above. However, Rackson and Fisher do not explicitly disclose a variable price scheduling including a plurality of price selections for an item...a selection of an entry in the variable price schedule.... Walker in the same field of endeavor, discloses the concept of providing a variety of price selection and timing of the item price (See Figures 5 and 6 and col. 5 line 33 through col. 6 line 38). It would have been obvious to a person of ordinary skill in the art to have modified the disclosures of Rackson and Fisher to incorporate the teachings of Walker et al in order to allow a user to buy the item for a desired price at scheduled time.

As per claim 8, the combination of Rackson and Fisher et al does not explicitly disclose wherein acceptance of the reminder command in the step of receiving a reminder command for the user is contingent on the receipt of contact information in a step of receiving contact information for the user, but wherein the step of presenting the item is independent for the receipt of any contact information from the user. Incorporating this feature into Rackson et al

and Fisher et al would have been obvious to a person of ordinary skill in the art so that the user can send a response indicating that the user agrees with a price.

As per claims 11, 16, the combination of Rackson and Fisher et al does not explicitly disclose presenting a plurality of choices including a present price and at least one future price and further including the step of displaying a present purchase control button next to the present price and a future control button next to the future price. It would have been obvious to a person of ordinary skill in the art to incorporate this feature into the disclosures of Rackson and Fisher et al with the motivation to allow a user to select an appropriate price.

As per claim 12, Rackson shows a server having an item information for sales (col. 11, lines 51 through col. 12 line 23.), but Rackson does not disclose a plurality of reminder controls in the first terminal for the same item identified in the item identification area and having outputs provided to the sales server via the network. Fisher disclose the concept of notifying a user's terminal of an item won by the user (col. 7, lines 33-67). It would have been obvious to person of ordinary skill in the art to have modified the disclosures of Rackson to incorporate the teachings of Fisher in order to allow large number of items to be continuously auctioned.

As per claims 30-32, and 38, Rackson further discloses displaying an image of the item (col. 25 line 56 through col. 26 line 29).

### **Response to Arguments**

6. Applicant's arguments filed on September 30, 2004 with respect to claims 1- 11, and 17-27, 29-33, and 35-47 have been considered but are moot in view of the new ground(s) of rejection.

Furthermore, applicants' arguments filed on September 30, 2004 with respect to claims 12-16 have been fully considered but they are not persuasive.

### **Remarks**

7. Applicants asserted that Neither Rackson nor Fisher teaches applicants' claimed invention. Applicants further supported their assertion by arguing that neither Rackson nor Fisher disclose communicating a variable price schedule for the item to the user, the variable price schedule including a plurality of price selection for the item. In response, applicants are directed to the new rejection in paragraph 4 above.

### **Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/26/04



Romain Jeanty

Primary Examiner

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